

Smith County Pioneer

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pioneer@ruraltel.net

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Commissioners repeal moratorium for land use

BY JACK KRIER

Pioneer Publisher

Acting upon the advice of Allen Glendenning, Great Bend, attorney for the county's insurance carrier, EMC Insurance, (the attorney appointed for the Smith County Commissioners), and County Attorney Allen Shelton, the Smith County Commissioners voted unanimously Monday to repeal immediately the land moratorium they put into effect June 12.

The moratorium was imposed on changes in the use of land lying three miles outside the city limits of the incorporated cities in Smith County.

The same day a nine-member zoning planning commission was appointed to develop a comprehensive plan for the county and, if approved by the commissioners, and if called for under the plan, to develop zoning regulations for the consideration of the commissioners.

The purpose of the moratorium was an attempt to preserve the status quo while it could be determined whether zoning regulations could be used to prevent the Global Country of World Peace (GCWP) from using land it had purchased in rural Smith County, for the purposes announced by the

organization; that of establishing an educational complex on the approximate 1100 acres of land they purchased earlier this year.

The resolution passed Monday also stated that "with the consent of the commissioners, the county attorney has instituted a declaratory judgment in the Smith County District Court to have the court declare the validity of the moratorium, and the GCWP has, through its attorney, declared its intention to not only defend said declaratory judgment action, but also to file an action seeking the recovery of money damages and

attorney fees from Smith County under federal civil rights laws.

The resolution further stated that the commissioners have been advised by Glendenning, with the concurrence of the county attorney, that:

– GCWP could, for example, file court challenges the county's failure to zone their land to allow GCWP's proposed use of their land, failure to re-zone to permit such use, and/or refusal to granting a zoning variance to permit such use.

– That litigation, in state or federal courts, or both, would likely take years to resolve.

– Damages and attorney fees awarded to GCWP could be in the hundreds of thousands of dollars and would be paid by the county, not their insurance carrier.

– Concerns regarding GCWP's water usage and sewage treatment can be addressed by the county the state and/or federal agencies having jurisdiction over those issues.

– Zoning regulations cannot be used to exclude

a use of land because of the race, religion, national origin, gender or beliefs of the owner(s).

– Most importantly, in the end, the county almost certainly would not be successful in preventing GCWP from building in Smith County.

NOT MUCH CHOICE

Following the repeal of the moratorium, Shelton told the *Pioneer* "I don't

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Moratorium repeal to be zoning meet topic

The main topic of business at the regular monthly meeting of the Smith County Planning and Zoning Commission board will be the reception repealing of the moratorium for land use by the county commissioners and how this will affect the future of planning and zoning in Smith County.

The meeting will be held Thursday at 8:00 p.m. in the courthouse and County Attorney Allen Shelton and Allen Glendenning, attorney for the county's insurance carrier, EMC Insurance, will be on hand to answer questions and concerns about the future of planning and zoning in the county and why the commissioners repealed the moratorium on Monday.

It is the task of the nine-member commission to determine the feasibility of planning and zoning and report back to the county commissioners. According to Cindy Stones, secretary of the planning and zoning board, they have been exploring the possibility of sharing with other counties because the population base of Smith County is not large. "The best way to sum up what we are doing is that we are looking at a cooperative," she told the *Pioneer* Tuesday. She also said that the budget for 2007 for the board has been set at a maximum of \$17,000.

At this stage, it is not known if the issuing of the moratorium on Monday changed anything in regards to the future of planning and zoning in the county.

Pioneer wins 2006 advertising awards

The *Smith County Pioneer* entered the annual Kansas Press Association advertising contest. In this contest all the newspapers in the state of Kansas compete in different advertising categories.

In the nondaily newspaper division, Linda Baetz took two first place awards and one second place. Andrea Wilkinsen received a third place award.

In the health care category, Baetz took first place with a "HAM it up?" ad for Kloster Chiropractic

Clinic.

The other first place plaque was for a house ad. In this ad Wayne's Tree Service explained how using the *Pioneer* as an advertising tool helped his business boom.

Second place was for the ad for Central Plains Co-op promoting its annual hog roast and customer appreciation.

Andrea Wilkinson placed third in the special section division. The graduation issue entered by Wilkinson received this award.



CITY OF KENSINGTON ACCEPTS SIREN GRANT-- David Barber, USDA Rural Development Specialist; Terry Smith; JoAnne Rice; Mary Beach; Ken Ellenberger; Chuck Banks, USDA Rural Development State Director; Bob Westbrook; Judy Bates and Leland Rahjes were all present at the Kensington City Council meeting on Thursday, Sept. 28. Chuck Banks and David Barber presented the City Council with a check for a new early warning storm siren.

Kensington receives \$3,850 grant

The city of Kensington business leaders and members of the Chamber of Commerce joined USDA Rural Development State Director Chuck Banks Friday, Sept. 29, in presenting a ceremonial funding check of \$3,850 to the City of Kensington to purchase and install a new early warning storm siren, benefiting over 500 residents. Agency funds will be leveraged with the City's contribution of \$7,150. USDA's funding for the siren is being provided under the Agency's Community Facilities

Program.

"This USDA program is a tremendous tool to assist rural communities in developing new or enhancing existing facilities for public safety, public service and health care. The benefits of the program through low interest rates

and longer than commercially available loan terms can significantly enhance the viability of needed community facility projects," commented State Director Chuck Banks during the presentation.

USDA Rural

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•City council

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stated she had not been told to attend the Sept. 14 meeting and was surprised to receive a notice that the city had made a decision to have the property demolished as soon as possible. The consensus of the council was to proceed as voted.

The consensus of the council members was to give property owners until Nov. 1 to remove their personal property.

- Other business at the meeting consisted of:
- John Ballhorst, a member of the Golf Course Advisory Board, provided copies of an architect’s preliminary drawing of the proposed banquet/restaurant/clubhouse and also an aerial photo showing the proposed location.

Ballhorst stated originally a 100-foot by 50-foot building was proposed but that it had been changed to a 120-foot by 50-foot building at the suggestion of the architect with the extra footage to be used to expand the kitchen area and for additional bathrooms.

He reported the facility, which could be rented for weddings, meetings, etc., would seat 258 and if not needed sections could be shut off to save on utilities.

He stated a manager would be hired for the restaurant and they would be responsible for the utilities and insurance and the rent collected would be given to the city to be used for maintenance and improvements.

He reported the current parking area allows for 90 vehicles and that the city attorney is checking on several questions which have come up.

- Dog problems, inoperable vehicles and junk on South Grant were discussed.
- Ron Herdt, city supervisor, was asked to check and see what the landfill will charge and what needs to be separated on the demolition debris.
- Audit bids submitted by Adams, Brown, Beran and Ball and Mapes and Miller were reviewed. It was moved by Zierlein, seconded by Lorenzen and carried to approve the bid submitted by Mapes and Miller.
- Hyman reported she had not received confirmation that a public nuisance/zoning violation had been received by the property owner. She was instructed to provide the police department a copy of the notice for them to deliver.
- It was moved by Lorenzen, seconded by Conaway and carried to approve the bid of \$1,569.95, submitted by Tri-Central Office Supply, for a new council table.
- Correspondence from

the Srader Foundation Board of Trustees was discussed by the council members.

The board, after toured the Srader Center, noted several areas which need attention including painting, replacement of ceiling and light tiles, and replacement of the walking track carpet and has allocated \$12,343.00 to be applied to the aforementioned projects.

The city, in order to receive the funds, must obtain estimates and provide the same to Shane McCall, on behalf of the foundation, within 30 days of the receipt of the correspondence.

It was moved by Zierlein, seconded by Lorenzen and carried to replace ceiling and light tiles and paint. It was suggested obtaining prices for a “rubberized” track carpet for the walking track and using an epoxy paint which can be washed.

– It was moved by Zierlein, seconded by Lorenzen and carried to retire two Srader Center bonds each, from the local banks.

– It was moved by Lorenzen, seconded by Fletcher Bolton and carried to approve the contract from Maguire Iron, Inc., to apply five gallons of Tneec 63-1500 filler/surfacer to lap seams in roof and stiffener angles on shell of the standpipe at a cost of \$4,500.00. Consensus of the council was to wait on painting the outside of the tower.

The next meeting will be held Thursday, Oct. 12.

•Grant

Development’s Community Facilities Program is designed to develop essential community facilities for public use in rural areas. These facilities include schools, libraries, courthouses, childcare, hospitals, medical clinics, assisted living facilities, fire and rescue facilities and equipment, police and emergency vehicles and services, community centers, public buildings and transportation. Grant funds may be available to assist in the economic feasibility of the project.

Through its Community Facilities Program, the Department of Agriculture is striving to ensure that such facilities are readily available to all rural communities. Community Facilities Programs utilizes three flexible financial tools to achieve this goal: the Community Facilities Guaranteed Loan Program, the Community Facilities Direct Loan Program, and the Community Facilities Grant Program.

During Friday, Sept. 29th’s announcement, State Director Banks thanked the

Kansas Congressional Delegation for their continued support of the Agency’s Community Facilities Program, along with the many other USDA Rural Development programs. “Over the past five years alone, the Agency’s Community Facilities Program has assisted 500,000 rural Kansans and contributing over \$24 million in added community development to the Sunflower State’s economy. We should all thank our U.S. Senators and Representatives for support-

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ing this benefit for the entire State,” remarked Banks.

USDA Rural Development’s mission is to deliver programs in a way that will support increasing economic opportunity and improve the quality of life of rural residents. As a venture capital entity, the Agency provides equity and technical assistance to finance and foster growth in homeownership, business development, and critical community and technology infrastructure in rural America.

It’s 3 a.m. and there’s a freight train running through your bedroom.


Loud snoring – yours or someone else’s – can be a sign that something is seriously wrong with breathing during sleep. Snoring and other sleep-related disorders such as sleep apnea, narcolepsy or restless leg syndrome, affect nearly one out of three Americans, making their sleeping or waking hours miserable. Sleep disorders may lead to other major medical problems including high blood pressure and cardiac difficulties.

How’s Your Sleep?

- Excessive daytime sleepiness
- Loud snoring
- Breathing cessation or gasps for breath at night
- Uncontrollable attacks of sleepiness
- Trouble at work or school because of sleepiness
- Muscle tension, aching, crawling sensations in legs when trying to sleep
- Leg twitching or kicking at night
- Inability to fall asleep or stay asleep at night
- Depression or fear of falling asleep
- Interruptions to your sleep

Many people suffer needlessly simply because they are unaware that a problem exists. Once detected, most sleep disorders can be corrected. If you answered “yes” to any of these conditions, the Sleep Center at Hays Medical Center can help determine if you have a sleep disorder. Discuss your sleep problems with your primary care physician, or call the Sleep Center at Hays Medical Center today for more information about sleep disorders or scheduling a sleep evaluation.

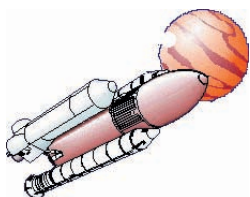
Dr. Hrushikesh Vaidya, Pulmonologist
Dr. Adeel Pervez, Pulmonologist
Dr. Ted Daughety, Certified Sleep Specialist



The Sleep Center

At HaysMedicalCenter

2500 Canterbury Drive, Hays, Kansas 67601
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